

**IN THE DISTRICT COURT
FOR THE UNITED STATES OF AMERICA
WESTERN DISTRICT OF TENNESSEE**

ISSACCA POWELL,

**individually and as representatives of a
class of all similarly situated individuals,**

Plaintiffs,

vs.

BILL OLDHAM,

**Sheriff of Shelby County, individually and
in his official capacity,**

Defendant.

Cause No. 2:16-cv-2907

Jury Trial Requested

JOINT RULE 26(f) REPORT

1. Pursuant to Fed.R. Civ. P. 26 (f) a meeting was held in the offices of Wyatt, Tarrant & combs, LLP on February 9, 2017, along with subsequent email and telephone discussions, attended by Michael McLaren and Brice Timmons, counsel for Plaintiffs; Robert E. Craddock, Jr., Odell Horton, and Robert L. Crawford, counsel for Defendant.

2. **Pre-Discovery Disclosures.** The parties will exchange by April 3, 2017 the information required by Fed. R. Civ. P. 27(a)(1).

3. **Discovery Plan.** The parties propose to bifurcate discovery.

A. Class certification discovery will be limited to matters relating to whether a class shall be certified (the "Class Certification Issues"). The second phase of

discovery will be conducted concerning the merits of the legal claims brought by putative class members (if a class is certified) and the merits and defenses as to those s claims (“Merits Discovery”).

All discovery in regard to Class Certification Issues shall be completed by September 15, 2017. Subsequent to the Court’s determination as to Class Certification, the parties will confer in an effort to reach an agreement concerning post-certification discovery and will submit a proposed Order to the Court or request a Scheduling Conference to resolve disputed issues as to Merits Discovery and scope of discovery (the “Post-Certification Scheduling Conference”).

B. The parties will endeavor to reach an agreed upon protocol for electronically stored information (“E-discovery”) and will address the Court as to any disputed issues in that regard.

The parties agree that claims of privilege or of protection as trial-preparation material, including procedures to assert these claims after production should be governed by Fed. R. civ. P. 26(b)(5). Pursuant to agreement of the parties, if privileged or protected information is inadvertently produced, the producing party may, by timely notice, assert the privileged or protection and obtain the return of materials without waiver.

C. **The parties propose** a maximum of 30 interrogatories by all Plaintiffs to all Defendants during the Class Certification process and 30 interrogatories by all Defendants to all Plaintiffs. The parties reserve the right to seek leave to petition the Court for additional interrogatories.

D. **The parties propose** a maximum of 20 depositions by Plaintiffs and 20 by Defendants, excluding expert witnesses, during the Class Certification process. Each party reserves the right to petition the Court for additional depositions.

E. Each deposition is limited to maximum of seven (7) hours unless extended by agreement of the parties.

F. At, or prior, to the Post Confirmation Scheduling Conference, the parties will address the scope and timing of additional discovery and pre-trial matters, including the date for:

1. Dispositive Motions.
2. Pre-Trial Conference.
3. Submission of final list of witnesses and exhibits and objections thereto, and
4. Bar date and other limitations on other remaining discovery.

Respectfully submitted,

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